

GENERAL ORDER 84.1.2

Disposal of Property

GENERAL ORDER CROSS-REFERENCE: 41.4.9

SUMMARY

Establishes a procedure for the final disposition of found, recovered and evidentiary items seized by members of the Department.

DISCUSSION

All found, recovered and/or evidentiary items seized by members of the Department must be disposed of within 6 months after legal requirements have been satisfied.

POLICY

I

FOUND PROPERTY

1. Found property shall be returned to the rightful owner. If the owner cannot be found, then:
2. Found property shall be returned to finder upon compliance with finder's law:
 - a. Finder shall prepare an "Intent to Claim" letter to be attached to Property Report.
 - b. If the property has a value of more than \$250, within 20 days the Finder shall place an ad in a locally circulated publication describing limited details of found item which shall run once per week for 2 weeks.
 - c. If the found property is valued at more than \$250, the Finder shall provide receipted proof of payment for ad to Property personnel when claiming item. The found property will legally become the finder's real and personal property 3 months from the date item was originally received by the Department.
 - d. Found property, other than bicycles, valued at less than \$250 shall be returned to the finder after 3 months if the finder filed an "Intent to Claim" letter at the time of the original report.

3. Found property not claimed by the owner or finder shall be converted to public use under applicable City Code when:

- a. The Chief authorizes the conversion.
- b. An advertisement of Public Notice is published twice, at least 30 days prior to conversion. Notices shall consist of multiple items when enough have accumulated to warrant publication.
- c. Notations of the conversion disposition shall be made on the Property Report in file.

4. Found property shall be sold at auction when:

- a. The property control officer determines there is a sufficient accumulation of abandoned and/or excess property.
- b. All auctions shall be held at a designated place with a contracted auctioneer and shall consist of items declared abandoned or of excess inventory (excluding firearms)
- c. A Notice shall be published in a locally circulated newspaper at least 30 days prior to the scheduled date specifying date, time, and hours when items shall be available for inspection.
- d. Property shall be sold to the highest bidder.
- e. Bidders shall be made aware that all property is sold "as is".
- f. A receipt shall be issued for each article sold.
- g. Bidders must pre-register on the sale date.
- h. A Bill of Sale signed by the Chief of Police shall accompany receipts for vehicles.
- i. Proceeds shall go to Finance Office to be surrendered to the General Fund with the exception of proceeds from the sale of fleet items which were originally purchased from the Vehicle and Equipment Fund and Drug Forfeiture items. Those monies reimburse the Vehicle and Equipment Fund and Drug Forfeiture Fund respectively.

5. Money.

a. Found money shall be returned to the owner; a finder who has complied with the Finder's Law; or transferred to the Finance Office to be surrendered to a Trust Account. Members of the Department do not qualify under the Finder's Law.

6. Property to be Destroyed.

a. Abandoned items that are of little or no value shall be destroyed.

7. Property to be Returned to its Rightful Owner.

a. If there is a means of identifying the owner of property an attempt to notify that owner shall be made by either telephone or registered letter.

b. Should the effort to notify the owner be successful, a signature of the owner is required when releasing the item to him or his designated representative.

c. Should the effort to notify the owner be unsuccessful, the property shall then revert to one of the above methods of disposal.

II

RECOVERED STOLEN PROPERTY OR EVIDENCE

1. Recovered property is to be returned to the owner, if known, after such property is of no further evidentiary value.
2. Should the Department be unable to locate the owner, the property shall then revert to one of the above methods of disposal.

III

FORFEITED PROPERTY

1. Forfeited property, with the exception of firearms shall be converted to Department use or sold at auction as per above.

IV

FIREARMS

1. Firearms forfeited by the court and weapons as defined in ORS 166.279 shall be destroyed or converted as described under Section 3 below.
2. Returning firearms to their rightful owner:

- a. Recovered stolen firearms and firearms which come into the possession of the police department for safekeeping or evidence and do not qualify as a "nuisance weapon" shall be returned to its rightful owner. An attempt to notify that owner shall be by letter if other attempts to communicate with him/her are unsuccessful in returning such property. If a letter is returned to the Police Department as undelivered, it shall be attached to the original police report.
 - b. Should the effort to notify the owner be unsuccessful, the firearm shall be declared "unclaimed".
3. In accordance with the Springfield Municipal Code 2.760 unclaimed firearms may be sold or traded to licensed gun dealers as defined in the Springfield Municipal Code for weapons or ammunition to be used by the police department.
- a. The sale of unclaimed firearms shall be conducted as follows:
 - i. The sale shall be at a designated place within the city limits of Springfield and shall consist of firearms
 - ii. A notice shall be published two (2) times in a locally circulated newspaper, the first publication not less than 10 days before, and the second notice not less than 3 days before the proposed sale.
 - iii. Bidders must pre register and provide record of their firearm dealers license.
 - iv. Firearms shall be sold to the highest bidder in an "as is" condition.
 - v. A receipt shall be issued for the articles sold.
 - vi. A written record of the disposition shall be made on the Property Report in file.
 - b. Trading of unclaimed weapons to licensed gun dealers for weapons or ammunition for shall be conducted as follows:
 - i. Conversion of such weapon (s) has been completed as prescribed by law.
 - ii. The Investigations Division Commander shall be responsible for arranging for the trade of unclaimed weapons for weapons or ammunition with a licensed firearms dealer.
 - iii. A written record of the disposition shall be made on the Property Report.

- c. Certain unclaimed weapons (i.e. inferior quality, unsafe) shall be destroyed. The process for destruction shall be as follows.
 - i. The property control officer shall cause an inspection of any unclaimed weapons believed to be of such a nature that destruction is appropriate. The Department Firearms Rangemaster or his designate shall inspect the firearms for such determination.
 - ii. The property controller shall compile a list of firearms that are to be destroyed.
 - iii. The Chief of Police may authorize the destruction of these weapons.
- 4. The destruction of weapons shall be certified by an individual external to property control personnel by signature on the property report in file.
- 5. Unclaimed firearms may be converted to public use under Springfield Municipal Code:
 - a. The Chief authorizes the conversion.
 - b. An advertisement of Public Notice is published twice, at least 10 days prior to conversion. Notices shall consist of multiple items when enough have accumulated to warrant publication.
 - c. Notations of the conversion disposition shall be made on the Property Report in file.

Richard L. Lewis
Chief of Police